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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

“DOCUMENT TO BE FILED ELECTRONICALLY”

In re: HYPODERMIC PRODUCTS	:	Master Docket No.
DIRECT PURCHASER ANTITRUST	:	05-1602 (JLL/CCC)
LITIGATION	:	
	:	MDL No. 1730
THIS DOCUMENT RELATES TO:	:	
The Consolidated Direct Purchaser Class	:	
Actions: Louisiana Wholesale Drug	:	
Company, Inc. (05-1602), Rochester Drug	:	
Co-Operative, Inc. (05-1602), JM Smith	:	
Corporation (05-1602), Dik Drug	:	
Company (05-4465), SAJ Distributors, Inc.	:	
(05-5891), American Sales Co. Inc.	:	
(06-1204), and Park Surgical Co., Inc.	:	
(06-1205)	:	

**DIRECT PURCHASER PLAINTIFFS’ MOTION FOR CERTIFICATION
OF THE PROPOSED DIRECT PURCHASER CLASS, PRELIMINARY
APPROVAL OF PROPOSED SETTLEMENT, APPROVAL OF THE FORM
AND MANNER OF NOTICE TO THE CLASS, AND SETTING OF FINAL
SETTLEMENT SCHEDULE AND HEARING**

The consolidated Direct Purchaser Plaintiffs¹ hereby move that the Court enter

¹Louisiana Wholesale Drug Company, Inc. (05-1602), Rochester Drug Co-
(continued...)

the Preliminary Approval Order proposed herewith,² which (a) certifies the proposed Direct Purchaser Class and appoints the class representatives and class counsel; (b) preliminarily approves a proposed \$45 million settlement (the “Settlement”) between the Direct Purchaser Class and defendant Becton, Dickinson and Company (“BD”); (c) makes certain findings concerning direct purchaser standing to seek damages under the Clayton Act³; (d) directs that notice of the Settlement be given to the Direct Purchaser Class; and (e) sets further scheduling, including deadlines for objections to the proposed settlement, for opting out of the Direct Purchaser Class, and for a fairness hearing.

In support hereof, the Direct Purchaser Plaintiffs rely upon the accompanying Memorandum of Law and the Declaration of Peter S. Pearlman, Esq. in Support of Direct Purchaser Plaintiffs’ Preliminary Approval Motion, to which the Settlement and other pertinent documentation is appended.

¹(...continued)
Operative, Inc. (05-1602), JM Smith Corporation (05-1602), Dik Drug Company (05-4465), SAJ Distributors, Inc. (05-5891), American Sales Co., Inc. (06-1204), and Park Surgical Co., Inc. (06-1205). *See* CMO 5 (Doc. #33) and CMO 7 (Doc. #75).

²A proposed Preliminary Approval Order is attached as Exhibit C to the Declaration of Peter S. Pearlman, Esq. in Support of Direct Purchaser Plaintiffs’ Preliminary Approval Motion.

³Filed concurrently herewith is the “Motion of the Direct Purchaser Plaintiffs That the Court Make Particular Findings Relating to Direct Purchaser Standing, Or, Alternatively, for Partial Summary Judgment,” which pertains to the issue of Clayton Act standing.

Respectfully submitted,

Dated: December 22, 2009

s/Peter Pearlman

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